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ECONOMIC COMMISSION FOR AFRICA

Meeting of Officials preparatory to the Conference of Plenipotentiaries

Addis Ababa, Ethiopia
11-14 February 1988

Item 4 of the Provisional Agenda

ECONOMIC COMMISSION FOR AFRICA

First Meeting of the Conference of Plenipotentiaries of the African Organization for Cartography and Remote Sensing

Addis Ababa, Ethiopia
15-16 February 1988

Item 5 (a) of the Provisional Agenda

LC/NAIROBI

REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE KINSHASA JOINT MEETING OF PLENIPOTENTIARIES OF THE AFRICAN REMOTE SENSING COUNCIL AND THE AFRICAN ASSOCIATION OF CARTOGRAPHY

1. The joint meeting of Plenipotentiaries of the African Remote Sensing Council and the African Association of Cartography was held in Kinshasa, Zaire, from 13 to 14 March 1987. The meeting was preceded by a joint meeting comprising Officials of the two institutions from 9 to 12 March 1987. The meeting of Plenipotentiaries adopted, with slight amendments, the report of the meeting of Officials, its own report and approved the declaration of the merger of the two institutions. Among the recommendations approved and the decisions taken by the meeting certain actions were referred to the Executive Secretary of the ECA to take practical steps towards their implementation. The purpose of this report is therefore to give the inaugural meeting of African Organization for Cartography and Remote Sensing (AOCRS), through the meeting of its Officials, an account of the various actions taken towards the implementation of its recommendations and the difficulties encountered.

Legal drafting of the initialled constitution and translation into English, French, Arabic and Portuguese languages

2. In April 1987, ECA put into proper legal language, without any change of substance, the initialled copy of the constitution in English version and thereafter produced enough copies for subsequent distribution to all ECA member States. Due to rather tight translation facilities at the ECA, the French version properly aligned with the English was translated and reproduced in October 1987. For the same reason of non-availability of translators from either of these languages into Arabic and Portuguese, the secretariat of the Organization of African Unity (OAU) was requested on 21 September 1987 to translate into the two remaining languages and a reminder for accelerated translation and reproduction into Arabic and Portuguese was also sent on 11 January 1988. This co-operation of the secretariat of the OAU has made it possible for the ECA to produce the constitution in the required four working languages.

Signing of the Constitution by the member States

3. On 30 November 1987, the Executive Secretary of the ECA, under cover of his letter ECO 330/5/4, sent to all the Ministries of Foreign Affairs of member States one copy each in English and French of the constitution as well as the text which was adopted and initialled by the 16 countries which were represented at the joint meeting of the Conference of Plenipotentiaries of African Remote Sensing Council (ARSC) and African Association of Cartography (AAC) at Kinshasa in March 1987. Copies of the job description of the post of the Secretary-General of the new Organization and the Host Government Agreement were also sent.

4. In the letter, the Executive Secretary of the ECA requested the governments to indicate their willingness to sign the constitution and to host the headquarters of the Organization, indicating clearly the facilities they will be prepared to provide. As of 25 January 1988, only the Government of the Republic of Algeria indicated its willingness to sign the constitution and reaffirmed its willingness to host the headquarters of the Organization. Thus the condition that the constitution will come into force provisionally when signed by at least 10 member States has not yet been fulfilled.

Transmittal to all member States of the Commission and Associate members of the Organization certified copies of the constitution, information related to its ratification, acceptance, approval or accession thereto

5. This recommendation has not been fully implemented because the constitution has not come into force. However, copies of the constitution were sent to all ECA member States.

ECA as depository of the constitution

6. With effect from March 1987, ECA assumed the role of depository of the constitution which has since remained open for signature to the member States who indicate their willingness to sign or adhere to it.

Advertisement of the post of the Secretary-General

7. In his letter of 30 November 1987. the Executive Secretary of the ECA circulated the job description of the post to all African States giving the deadline of 15 January 1988 for the receipt of applications.

Convening of the inaugural meeting of the Conference of Plenipotentiaries of African Organization for Cartography and Remote Sensing (AOCRS)

8. This recommendation requested the Executive Secretary to fix the dates and venue for the inaugural meeting of the Conference of Plenipotentiaries in consultation with the Secretaries-General of the African Remote Sensing Council and the African Association of Cartography. The period 11 to 16 February 1988 was fixed for the meetings of Officials and the Conference of Plenipotentiaries to take place at the headquarters of the Commission in Addis Ababa, Ethiopia.

9. Documents E/ECA/NRD/CART/115 and 116, containing the Provisional Agendas for the meetings of Officials and Conference of Plenipotentiaries respectively, were sent out simultaneously with the letter of invitation to the Governments.

Comments on the draft constitution

10. The Economic Commission for Africa considers it obligatory on its part to bring to the attention of the meetings of Officials and of the Conference of Plenipotentiaries the following comments which had since been received from the following quarters concerning the constitution in its present form.

11. At the time of putting the initialled draft of the Constitution into legal framework, without any alteration in its substance, the ECA Senior Legal Officer made the following comments:

> «...the text that was finally adopted and initialled by the 16 countries was equally unacceptable from the point of view of form, structure, substance and language. It has, therefore, had to be edited extensively. In the circumstances I advise that copies of it be sent to the 16 countries that initialled it for approval before it is submitted to African Ambassadors in Addis Ababa for signature in accordance with the decision of the Plenipotentiaries. Once this is done and at least 10 (ten) Ambassadors have signed, the constitution will enter into force provisionally and the organs of the Organization can begin to function in accordance with the constitution. The fact that the document(s) was initialled by 16 Plenipotentiaries (their credentials were never examined) raised doubts as to how far we can alter the substance of what they have initialled. It is easy to improve the text but different considerations arise once one tries to handle issues of substance. Any how, did the sixteen Plenipotentiaries constitute a quorum? Far-reaching consequences flow out of this position. These issues go to the legal validity of what the 16 initialled ...»

12. The Governing Council of the Regional Centre for Services in Surveying, Mapping and Remote Sensing (RCSSMRS), at its nineteenth meeting, held from 2 to 3 June 1987 in Nairobi, attended by representatives from the Comoros, Kenya, Lesotho, Malawi, Somalia, Sudan, Swaziland, Tanzania, Zanzibar, Uganda and Zambia (member States of the Centre) and Heads of Departments of the Centre, adopted unanimously a resolution calling for a review of the draft constitution of the African Organization for Cartography and Remote Sensing (AOCRS) in light of the existing Agreement Establishing RCSSMRS. The text of the resolution runs as follows:

> «The Governing Council of the Regional Centre for Services in Surveying, Mapping and Remote Sensing:
>
> Noting: that the Centre, which was established in 1975, has a legally constituted agreement establishing it and which as of now, has been adhered to by ten countries of the Eastern and Southern African sub-regions;

Appreciating	efforts being taken by the African Remote Sensing council (ARSC) and the African Association of Cartography (AAC) in implementing the ECA Conference of Ministers' resolution No. 550 (XX) concerning the merger of the two institutions;
Aware	that in this regard, a draft constitution of a new organization, African Organization for Cartography and Remote Sensing (AOCRS) which will emerge from the merger, has already been initialled by 15 African countries at the joint meeting of the Conference of Plenipotentiaries of AAC and ARSC held in Kinshasa, Zaire, in March 1987;
Having studied	this draft constitution particularly Articles 4,7,8,9,10,12 and 13 in the light of the existing agreement establishing the Centre; and
Further noting	with concern the conflicts between the draft constitution, if implemented in its present form, and the Centre's agreement and which are likely to hamper the smooth operation of the Centre;
Requests	the ECA to take appropriate measures to review the draft constitution with a view to achieving proper harmonization that will cater for the benefit of its member States.»

13. At its twenty-fifth meeting held at Ile-Ife (Nigeria) from 15 to 18 May 1987,members of the Governing Council of the Regional Centre for Training in Aerospace Surveys (RECTAS) commented on the possible harmful impact of the merger of the African Association of Cartography (AAC) and the African Remote Sensing Council (ARSC) on the Centre's efficient administration and effective implementation of its approved work programmes. Two schools of thoughts emerged in the course of the deliberations. The first felt that the three Regional Centres namely, RECTAS, RCSSMRS and CRTO should be autonomous in keeping with the directives of the ECA Conference of Ministers. Above all, that the Governing Council of RECTAS was the only competent body to decide on its membership of African Organization for Cartography and Remote Sensing (AOCRS). Anything to the contrary, it deposed, would be ultra vires and, therefore, decried the idea of another body scrambling to make RECTAS its subsidiary organ. The second, on the other hand, contended that African Organization for Cartography and Remote Sensing (AOCRS) was intended to promote continental harmony and co-ordination in the field of aerial surveys and remote sensing and, as such, the three Regional Centres should accede to the constitution of the Organization.

14. In arriving at a compromise, the Governing Council agreed to:

(a) welcome the merger of African Remote Sensing Council and African Association of Cartography;

(b) forward copies of the Constitution and the report of the Kinshasa joint Conference of Plenipotentiaries to member States of RECTAS for study and comments; and expressed the readiness of RECTAS to co-operate fully with African Organization for Cartography and Remote Sensing (AOCRS) in the wider interests of cartography and remote sensing development in Africa;

15. Copies of the two documents mentioned in (b) above were sent to all the member States of RECTAS for their study and comments; at the time of writing this report, ECA has not received any information on how many member States had sent in their comments to the management of the Centre.

Conclusions

16. This meeting of Plenipotentiaries should be seen as one which offers a unique opportunity for any member State to make down the views of its Government on the draft constitution during the deliberations on the agenda item.

17. It should be mentioned that nothing prevents the constitution from being signed in its present form in spite of the views which are seen to be contradictory to the spirit of the resolution 550 (XX) which called for the merger of the African Association of Cartography and the African Remote Sensing Council and which also conferred autonomous status on the three existing centres; Regional Centre for Services in Surveying, Mapping and Remote Sensing (RCSSMRS); Regional Centre for Training in Aerospace Surveys (RECTAS); and Regional Remote Sensing Centre in Ouagadougou (CRTO). Amendments to any of the Articles of the Constitution after its signature can be made in accordance with the relevant provision in Article 19 of the Constitution.